

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	
	:	<b>Case No.: 19-13351</b>
<b>Eric C. Colgan</b>	:	<b>Chapter 13</b>
<b>Phyllis J Troxell-Colgan</b>	:	<b>Judge Ashely M. Chan</b>
	:	<b>*****</b>
<b>Debtor(s)</b>	:	
	:	
<b>MidFirst Bank</b>	:	<b>Date and Time of Hearing</b>
	:	<b>Place of Hearing</b>
<b>Movant,</b>	:	<b>March 6, 2024 at 11:00 a.m.</b>
<b>vs</b>	:	
	:	
<b>Eric C. Colgan</b>	:	<b>U.S. Bankruptcy Court</b>
<b>Phyllis J Troxell-Colgan</b>	:	<b>900 Market Street, Suite 400, Courtroom #4</b>
<b>Scott F. Waterman</b>	:	<b>Philadelphia, PA, 19107</b>
<b>Respondents.</b>	:	

**MOTION OF MIDFIRST BANK FOR RELIEF FROM THE AUTOMATIC STAY ON  
FIRST MORTGAGE FOR REAL PROPERTY LOCATED AT 615 W GARDNER AVE,  
GLENOLDEN, PA 19036**

MidFirst Bank ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay on the real property located at 615 W Gardner Ave, Glenolden, PA 19036 ("Property"). In support of its motion, Creditor states the following:

1. Eric C. Colgan and Phyllis J Troxell-Colgan (collectively, "Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on May 24, 2019 (the "Petition Date").
2. On October 17, 2012, Debtor, Eric C Colgan, executed a Note in the original amount of \$133,536.00 (the "Note"). A copy of the Note is attached hereto as Exhibit A.
3. To secure the Note, a Purchase Money Mortgage (the "Mortgage") was given October 17, 2012, and recorded November 29, 2012. A copy of the Mortgage and subsequent Assignment of Mortgage are attached as Exhibit B, evidencing perfection of Creditor's security interest in the Property which is more particularly described in the Mortgage.

4. There are no other liens against the property as listed in Debtor's Schedule D.
5. As of January 31, 2024, the total outstanding amount due on the Note is \$97,405.66

which consists of:

Principal	\$98,498.96
Interest	\$796.66
Escrow advance	\$0.00
Late Charges	\$355.28
Other Fees	\$290.00
Escrow Credit	\$(2,372.70)
Suspense funds	\$(162.54)

6. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) to proceed under applicable non-bankruptcy law to enforce its remedies and to take any and all actions necessary to accelerate the balance due on the Note, to foreclose the Mortgage in accordance with state law, to apply the net proceeds to the obligation, and to otherwise exercise its contractual and state law rights as to the Property.
7. Creditor is entitled to relief from the automatic stay for the following reason(s):
  - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
  - b. Debtor is in default post-petition. Debtor has failed to make full post-petition payments for the past 2 months as of January 31, 2024 and is in default in the amount of \$2,074.92. This amount is broken down as follows:

<b><u>Post-Petition Payments Delinquent to Creditor</u></b>		
<b>Date Range</b>	<b>Amount</b>	<b>Total</b>
December 2023 to January 2024	\$1,118.73	\$2,237.46
Suspense: \$(162.54)		
Total: \$2,074.92		

8. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.

9. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of an Order Granting Relief from the Automatic Stay.

Respectfully submitted,

/s/Alyk L. Oflazian

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Attorneys for Creditor

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<b>Respondents.</b>	:	

**CERTIFICATE OF SERVICE**

I certify that on the date of filing, a copy of the foregoing Motion of MidFirst Bank for Relief from the Automatic Stay on First Mortgage for Real Property located at 615 W Gardner Ave, Glenolden, PA 19036 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

SCOTT F. WATERMAN [Chapter 13], Chapter 13 Trustee, ECFMail@ReadingCh13.com

MICHAEL A. CIBIK, Attorney for Eric C. Colgan and Phyllis J Troxell-Colgan,  
mail@cibiklaw.com

ERIK B. JENSEN, Attorney for Eric C. Colgan and Phyllis J Troxell-Colgan,  
erik@jensenbagnatolaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S.

Mail to the following:

Eric C. Colgan and Phyllis J Troxell-Colgan, 615 W Gardner Avenue, Glenolden, PA 19036

/s/Alyk L. Oflazian